

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on February 17, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: No Bills heard.

Executive Action: HB 243, 388, 552, 576-Tabled;
HB 104-Do Pass as Amended, HB
59-Do Pass as Amended, HB 527-
Do Pass, HB 530-Do Pass as
Amended, HB 566-Do Pass as
Amended; HB 593-Do Pass as
Amended.

EXECUTIVE ACTION ON HB 54

Motion/Vote: REP. GALLUS moved HB 54-MOTION TO REMOVE FROM
"TABLED" STATUS. Motion failed 9-11 with P. Clark, Curtiss,
Facey, Gutsche, Hurdle, Jore, Molnar, Noennig, Shockley,
Williams, and Wyatt voting nay.

{Tape : 1; Side : A; Approx. Time Counter : 21 - 95}

EXECUTIVE ACTION ON HB 127

Motion: REP. EGGERS moved HB 127-MOVE FROM "TABLED" STATUS.
MOTION PASSED. **Motion/Vote:** REP. EGGERS moved HB 127 MOVE
AMENDMENT;. Motion carried 20-0.

Motion: REP. AHNER moved that HB 127 DO PASS AS AMENDED.

Motion: REP. NOENNIG moved that HB 127 BE AMENDED.

Substitute Motion: REP. MCGEE made a substitute motion HB 127.
AMENDMENT FAILS. **Motion:** REP. SHOCKLEY moved that HB 127 BE
AMENDED.

Motion/Vote: REP. YOUNKIN moved that HB 127-NOENNIG AMENDMENT BE
PASSED. Motion carried 20-0. **Motion:** REP. AHNER moved that HB 127
DO PASS AS AMENDED.

Motion: REP. MCGEE moved that HB 127 BE TABLED. MOTION FAILED.

Motion: REP. MCGEE moved that HB 127 BE AMENDED. MOTION PASSES.

Motion: REP. EGGERS moved HB 127-SUBSTITUTE AMENDMENT. MOTION
PASSES.

Motion: REP. MCGEE moved that HB 127-MOVE ADDITIONAL AMENDMENT
(4) DO PASS AS AMENDED. MOTION PASSED. **Motion/Vote:** REP. NOENNIG
moved HB 127-MOVE AMENDMENTS 1,2,&3. Motion carried 20-0.

Motion: REP. GUTSCHE moved HB 127-MOVE AMENDMENT.

Motion/Vote: REP. SHOCKLEY moved that HB 127 BE TABLED. Motion
failed 9-11 with P. Clark, Eggers, Facey, Gallus, Gutsche,
Hurdle, Kitzenberg, Noennig, Soft, Williams, and Wyatt voting
nay. **Motion/Vote:** REP. SOFT moved HB 127-MOVED TO POSTPONE.

Motion carried 20-0.

{Tape : 1; Side : A; Approx. Time Counter : 95 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 344}

EXECUTIVE ACTION ON HB 366

Motion: REP. MCGEE moved that HB 366 WITH SUB-COMMITTEE AMENDMENTS DO PASS. AMENDMENTS PASSED. Motion/Vote: REP. MCGEE moved that HB 366-MOVE AMENDMENTS DO PASS AS AMENDED. Motion carried 16-4 with R. Clark, Curtiss, Jore, and Molnar voting no.

{Tape : 2; Side : A; Approx. Time Counter : 344 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 460}

EXECUTIVE ACTION ON HB 243

Motion/Vote: REP. WYATT moved that HB 243 BE TABLED. Motion carried 18-2 with R. Clark and Jore voting no.

{Tape : 2; Side : B; Approx. Time Counter : 460 - 479}

EXECUTIVE ACTION ON HB 59

Motion: REP. NOENNIG moved that HB 59- DO PASS.

Motion/Vote: REP. NOENNIG moved that HB 59 BE AMENDED. Motion carried 20-0.

Motion/Vote: REP. NOENNIG moved that HB 59 DO PASS AS AMENDED. Motion carried 14-6 with Eggers, Facey, Gallus, Gutsche, Hurdle, and Williams voting no.

EXHIBIT (juh39a0

1)

{Tape : 3; Side : A; Approx. Time Counter : 0 - 211}

EXECUTIVE ACTION ON HB 104

Motion: REP. AHNER moved that HB 104 DO PASS.

Motion: REP. MCGEE moved that HB 104 BE AMENDED. AMENDMENTS PASSED. Motion/Vote: REP. AHNER moved that HB 104 DO PASS AS AMENDED. Motion carried 15-5 with Ahner, Curtiss, Jore, McGee, and Molnar voting no.

EXHIBIT (juh39a0

2)

{Tape : 3; Side : A; Approx. Time Counter : 211 - 350}

EXECUTIVE ACTION ON HB 127

Motion/Vote: REP. GUTSCHE moved that HB 127-OFFER MCMASTER AMENDMENTS BE AMENDED. Motion carried 18-2 with Anderson and Younkin voting no.

Motion/Vote: REP. GALLUS moved that HB 127 DO PASS AS AMENDED. Motion carried 15-5 with R. Clark, Curtiss, Jore, Shockley, and Molnar voting no.

{Tape : 3; Side : A; Approx. Time Counter : 350 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 74}

EXECUTIVE ACTION ON HB 388

Motion: REP. YOUNKIN moved that HB 388 DO PASS.

Motion/Vote: REP. YOUNKIN moved that HB 388 BE TABLED. Motion carried 15-5 with Clark, Curtiss, Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 74 - 140}

EXECUTIVE ACTION ON HB 527

Motion/Vote: REP. SOFT moved that HB 527 DO PASS. Motion carried 18-2 with Anderson and Jore voting no.

{Tape : 3; Side : B; Approx. Time Counter : 140 - 211}

EXECUTIVE ACTION ON HB 530

Motion: REP. MCGEE moved that HB 530 DO PASS.

Motion/Vote: REP. MCGEE moved that HB 530 BE AMENDED. Motion carried 15-5 with Facey, Gutsche, Hurdle, Williams, and Wyatt voting no.

Motion: REP. MCGEE moved that HB 530 DO PASS AS AMENDED.

Motion/Vote: REP. WYATT moved that HB 530 BE AMENDED. Motion failed 7-13 with Ahner, Anderson, R. Clark, P. Clark, Curtiss, Jore, Kitzenberg, McGee, Molnar, Noennig, Shockley, Soft, and Younkin voting nay. Motion: REP. P. CLARK moved that HB 530 BE AMENDED.

Motion: REP. MCGEE moved that HB 530- SUBSTITUTE AMENDMENTS-YOUNKIN OFFER SUBSTITUTE AMENDMENTS; BE AMENDED. YOUNKIN AMENDMENTS PASSES; 11-9 WITH Facey, Hurdle, Gutsche, Soft, Eggers, Jore, Wyatt, Gallus and Williams voting no. Motion/Vote: REP. MCGEE moved that HB 530 DO PASS AS AMENDED. Motion carried 13-7 with Eggers, Facey, Gallus, Gutsche, Hurdle, Williams, and Wyatt voting no.

{Tape : 3; Side : B; Approx. Time Counter : 211 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 4; Side : B; Approx. Time Counter : 0 - 264}

EXECUTIVE ACTION ON HB 552

EXECUTIVE ACTION ON HB 552

Motion: REP. WYATT moved that HB 552 DO PASS.

EXHIBIT(ju

h39a03)

Motion: REP. YOUNKIN moved that HB 552 BE AMENDED.

Motion: REP. NOENNIG moved HB 552-SUBSTITUTE AMENDMENT.

Motion/Vote: REP. JORE moved that HB 552 BE TABLED. Motion carried 12-8 with P. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Williams, and Wyatt voting no.

{Tape : 4; Side : B; Approx. Time Counter : 264 - 455}

EXECUTIVE ACTION ON HB 576

Motion: REP. HURDLE moved that HB 576 DO PASS.

Motion/Vote: REP. GALLUS moved that HB 576 BE TABLED. Motion carried 20-0.

{Tape : 5; Side : A; Approx. Time Counter : 0 - 29}

EXECUTIVE ACTION ON HB 566

Motion/Vote: REP. AHNER moved that HB 566 MOVE AMENDMENT; Motion carried 19-1 with Jore voting no.

Motion: REP. AHNER moved that HB 566 DO PASS AS AMENDED.

Motion/Vote: REP. CURTISS moved that HB 566 BE AMENDED. Motion carried 19-1 with Eggers voting no.

Motion: REP. FACEY moved that HB 566 DO PASS AS AMENDED.

Motion/Vote: REP. NOENNIG moved that HB 566 BE AMENDED. Motion failed 8-11 with Ahner, Anderson, R. Clark, P. Clark Curtiss, Gallus, Jore, Kitzenberg, McGee, Molnar, and Shockley voting nay. (Rep. Williams absent during voting)

Motion/Vote: REP. FACEY moved that HB 566 DO PASS AS AMENDED. Motion carried 14-5 with Eggers, Gutsche, Hurdle, Noennig, and Soft voting no.

(Rep. Williams absent during voting)

EXHIBIT(ju

h39a04)

{Tape : 5; Side : A; Approx. Time Counter : 29 - 250}

EXECUTIVE ACTION ON HB 587

Motion: REP. HURDLE moved that HB 587 DO PASS.

Motion/Vote: REP. GALLUS moved HB 587-MOTION TO POSTPONE. Motion carried 13-7.

{Tape : 5; Side : A; Approx. Time Counter : 250 - 273}

EXECUTIVE ACTION ON HB 593

Motion: REP. FACEY moved that HB 593 DO PASS.

Motion/Vote: REP. FACEY moved that HB 593 BE AMENDED. Motion carried 10-9 with Ahner, Anderson, R. Clark, Curtiss, Jore, McGee, Molnar, Shockley, and Younkin voting no.

(Rep. Williams absent during voting)

Motion/Vote: REP. MCGEE moved that HB 593 BE AMENDED. Motion carried 19-0.

(Rep. Williams absent during voting)

Motion/Vote: REP. NOENNIG moved that HB 593 BE AMENDED. Motion carried 19-0.

(Rep. Williams absent during voting)

Motion: REP. MOLNAR moved that HB 593 DO PASS AS AMENDED. Motion/Vote: REP. YOUNKIN moved HB 593-DELETE PREV. AMENDMENT (1ST). Motion carried 19-0.

(Rep. Williams absent during voting) Motion/Vote: REP. MCGEE moved that HB 593 DO PASS AS AMENDED. Motion carried 18-1 with Jore voting no.

(Rep. Williams absent during voting)

{Tape : 5; Side : A; Approx. Time Counter : 273 - 550}

{Tape : 5; Side : B; Approx. Time Counter : 0 - 62}

ADJOURNMENT

Adjournment: 12:55 P.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh39aad)